

FEB 24 2015

Clerk, U S District Court
District Of Montana
BillingsIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

KRISTI JUNE SMITH,

Defendant/Movant.

Cause No. CR 10-59-BLG-SPW
CV 14-78-BLG-SPWORDER DISMISSING § 2255
MOTION AND DENYING
CERTIFICATE OF APPEALABILITY

On June 16, 2014, Defendant/Movant Kristi June Smith filed a motion to vacate, set aside, or correct her sentence under 28 U.S.C. § 2255. At the time the motion was filed, Smith was proceeding pro se. Because none of the allegations in her motion were sufficient to support further proceedings, she was given an opportunity to file a supplement to the motion.

Smith is now represented by counsel in connection with a motion to reduce her sentence under 18 U.S.C. § 3582(c)(2) and Amendments 782 and 788 to the United States Sentencing Guidelines. In consultation with Smith, counsel has filed a notice withdrawing her § 2255 motion.

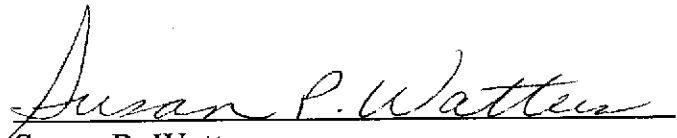
Accordingly, IT IS HEREBY ORDERED as follows:

1. Smith's motion under 28 U.S.C. § 2255 (Doc. 59) is DISMISSED.
2. Because the motion has been withdrawn, and because Smith's motion did

not meet the standard of 28 U.S.C. § 2253(c)(2), a certificate of appealability is
DENIED.

3. The Clerk of Court shall close the civil file by entering a judgment of
dismissal.

DATED this 23 day of February, 2015.


Susan P. Watters
United States District Court